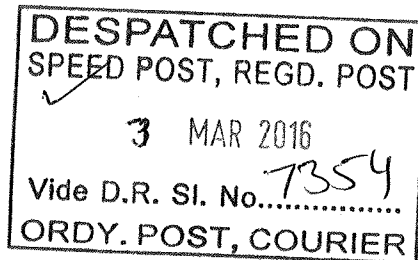


Ref. No.CA/28/2016/AOA

March 02, 2016

The Assistant General Manager(P&E)  
State Bank of India,  
Premises & Estate Department,  
9<sup>th</sup> Floor, Local Head Office,  
1, Strand Road,  
Kolkata – 700 001.  
West Bengal.



**Sub.:- Empanelment of Architects/ Consultancy for undertaking the Bank's project work involving civil, interior decoration, electrical, fire safety, AC work, and local area networking, etc in the state of West Bengal Sikkim and Andaman and Nicobar Islands under different categories – reg.**

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Sir,

The Council of Architecture is a statutory body established under the Architects Act, 1972, (A Special Central Act), for regulating architectural education and profession throughout the territory of India.

The attention of Council is drawn towards your open Tender for Inviting for empanelment of Architectural Consultancy Services for undertaking the Bank's project work involving civil, interior decoration, electrical, fire safety, AC work, and local area networking, etc in the state of West Bengal, Sikkim and Andaman and Nicobar Islands under different categories and also insisting for non-interest bearing amount of Rs.50,000/- as 'Security Deposit'. Further, membership of IIA is instated which is non-statutory voluntary association of Architects.

In this regard, I have to inform you that the profession of architects is regulated, controlled and maintained under the provisions of the Architects Act, 1972 and Regulations framed thereunder. The Council is empowered under Section 22 of the Act to lay down standards of professional conduct and etiquette and a code of ethics for Architects by Regulations. These Regulations shall have overriding effect over any other law for the time being in force in India. Further, Sections 35, 36 and 37 of the Act restricts of term Architect only to a person registered as with the Council of Architecture of firm of Architects.

Accordingly, the Council has framed the Architects (Professional Conduct) Regulations, 1989 (as amended in 2003). The Regulation 2(1) (xiv) of the said Regulations provides that an architect shall not prepare designs in competition with other Architects for a Client without payment or for a reduced fee (except in a competition conducted in accordance with the Architectural Competition Guidelines approved by the Council). Further, Regulation 2(1) (xii) provides that an architect shall observe and uphold the Council's conditions of engagement and scale of charges. Accordingly, the Council has prescribed Scale of Charges based on Type of Project/Services and Scope of Works & Services.

Therefore, professional services of Architects in competition against each other can be availed only by conducting Architectural Design Competition (Two Stage/Single/Limited – as per the requirements and complexity of the project), as per the Architectural Competition Guidelines prescribed by the Council of Architecture which is a very fair and transparent procedure for selection of a best design and consultant and not by competitive commercial bidding.

**Architects are professional like doctors, advocates and chartered accountants, whose conduct and ethics are regulated and governed under the Act and hence should not be insisted to pay processing fee, deposit earnest money/Performance Bank Guarantee/bid security money or quote lowest fee, etc. on the lines of contractors, etc., for rendering their professional services. Accordingly no such fee be asked from Architects.**

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The Architects Act, 192, allow only an individual architects or a firm of architects (partnership firm) to represent as an architect and use the title and style of Architect for practicing the profession of an Architect in India. **Companies/LLP etc. are not permitted.** Further, as per the Act and individual foreign architect can become consultant to an Indian Architect upon specific permission of Central Government under Section 37 for a specific project. Violation of these provisions is a punishable offence.

Any term and conditions prescribed in the bids/tender/contract/agreement/offer or any Manual/Guidelines of any Public Body/Authority for appointment of Architects shall have to be consistent with the above provisions of the Architects Act, 1972 and Regulations & other professional documents prescribed pursuant thereto.

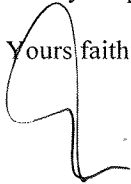
In view of the above State Bank of India, Premises is advised to:

- i) Conduct the Architectural Design Competition as per the Guidelines prescribed by the Council; and
- ii) appoint architect(s) or firm/ agencies of architects upon conducting Architectural Competition (Open Competition/Limited Competition/Two Stage competition/Single Stage Competition, as may be suited) as per scale of charges and Scope of work and services prescribed by the Council duly incorporating the conditions of engagement prescribed for Comprehensive Architectural Services, Urban Design, Landscape Architecture and Interior Architecture.

A Handbook of professional documents containing Act, Rules, Regulations and Competition Guidelines, Scale of Charges etc. is enclosed herewith for your kind perusal.

Kindly keep the Council posted with the action taken in the matter.

Yours faithfully,



R. K. Oberoi  
Registrar

Encl.:- As above.

